



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
CLASSEN, John Barthelow

Serial No.: 08/591,651

Filed: February 12, 1996

For: METHOD AND COMPOSITION FOR AN
EARLY VACCINE...

Art Unit: 1642

Examiner: BRUMBACK, B.

Washington, D.C.

Date: May 6, 2002

Docket No.: CLASSEN=1A

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Hon. Commissioner of Patents
Washington, D. C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated November 5, 2001 of the Primary Examiner. The claims appealed are 5, 6, 8, 10, 11, 16, 19, 27-30, 32-41, 43, 44, 46, 49-52, 55-57, 59-68, 71-74, 77-88 and 90-265.

The item(s) checked below are appropriate:

- ☒ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☒ The fee has been calculated as shown below:
☐ \$320.00
☐ \$160.00 (small entity)
☒ Not required (fee paid in prior appeal)
- ☒ Conditional Petition for Extension of Time
If any extension of time for a response is required applicant requests that this be considered a petition therefor.
- ☒ Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Response filed within:

☐ first - \$ 55.00
☐ second - \$200.00
☒ third - \$460.00
☐ fourth - \$720.00

Response filed within:

☐ first - \$ 110.00
☐ second - \$ 400.00
☐ third - \$ 920.00
☐ fourth - \$1,440.00

month after time period set. month after time period set.

☒ Less fees (\$55.00) already paid for 1 month extension of time on February 21, 2002.

☐ Check number _____ in the amount of \$_____ is attached.

☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of 405.00 is attached.

☒ Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

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XX The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 

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